

Annapolis Police Department



GENERAL ORDER

Number: E.6

**Issue Date: March
2007**

TO: All Personnel

SUBJECT: Traffic Stops

PURPOSE

The purpose of this General Order is to establish guidelines and procedures for the initiating of traffic stops.

POLICY

It shall be the policy of the Annapolis Police Department that the **safety of the officer and the motorist is the paramount concern through the duration of the traffic stop.**

I. Traffic Stops in General

- A. Traffic enforcement though a daily task for officers, is usually an infrequent and emotional experience for the violator. In many cases this is the only contact that a citizen has with the Police Department.
- B. Officers should strive to make each contact an educational experience, leaving the violator with the impression that a necessary task was performed in a professional and friendly manner.
- C. If the officers approach violators properly they will often influence future driving behavior in a positive manner.
- D. Officers should be unequivocally certain of their observation concerning the violation.

II. Procedures For Initiating a Traffic Stop

- A. Be mindful of the topography of the land. The stop location should be carefully

chosen. Curves, hillcrests, intersections and shoulderless roads should be avoided. If possible, stop locations offering adequate cover should be selected.

- B. Inform the Police Communications Operator of the vehicle registration number (include state and type), vehicle description, number of occupants and stop location prior to initiating the first contact.
- C. Activate emergency equipment, to include emergency lights, and if necessary the spotlight and siren. Use the vehicle's public address system to direct the driver to a safe location, if necessary, or to provide other instructions before approaching the vehicle. Emergency lights will remain activated until the stop is complete.

Sections D - G should be considered guidelines and as such may change depending upon the circumstances of the traffic stop.

- D. Positioning the vehicle
 - 1. The actual stop should be made within close proximity to the violation and in an area which affords the officer and the violator the greatest safety while minimizing disruption of the normal traffic flow.
 - 2. The patrol vehicle should be positioned approximately 15-20 feet to the rear of the violator's vehicle and offset slightly to the left to ensure additional protection to the officer.
- E. Before exiting the patrol vehicle, observe the occupant(s) of the stopped vehicle for a short period of time (about 10-15 seconds) for unusual movements. As an added precaution, the officer may inform the driver to turn the wheels of the vehicle toward the curb. Look for oncoming traffic before stepping out of the vehicle.
- F. At night, the high beam headlights, spotlight and other vehicle lights should be used to conceal the officer's movements from the violator and illuminate the interior of the stopped vehicle.
- G. If the violator gets out of the vehicle, the violator should be directed back inside, and the officer should be prepared to take evasive action should the violator continue to advance. If the occupant(s) get out of the vehicle there must be reasonable articulable suspicion in order to detain the occupant(s) and/or direct them back inside the vehicle.
- H. Consider approaching the vehicle, watch occupant(s), check for altered registration plates, check trunk to ensure that it is closed and locked and observe the interior of the vehicle for weapons or obscured passengers. If necessary, initiate a passenger side approach to the vehicle. Regardless of the approach chosen, officers should avoid passing between the lights of the patrol vehicle and the rear area of the violator's vehicle.
- I. If possible stand beside and as close to the vehicle as possible. Position yourself to the

rear of the driver (center post). Be careful of any passenger(s). **Attempt to keep a constant, undistorted view of the violator's hands.** Request the violator's driver's license or other identification using your non-gun hand.

- J. When a traffic stop is made by a two person unit, the passenger officer will make all necessary radio transmissions, notes, etc., During the traffic stop, approach the violators vehicle at the rear and act as an observer and cover the primary officer. Officers should not approach the vehicle together. The passenger officer shall position themselves at an angle that would not place the primary officer in the line of fire should an armed confrontation occur.
- K. When officers become aware of a weapon in the violator's vehicle, the officer may employ procedures used for a felony (high risk) stop. If the driver or occupant is known to be wanted on violent charges, felony car stop procedures should be used.
- L. **DO NOT HESITATE TO ASK FOR BACK-UP WHEN SAFETY MAY BE AT RISK.**

III. Contact with the Violator

- A. Be prepared for the unexpected, but not noticeably apprehensive. Be prepared for the contact by having the necessary equipment immediately available.
- B. Present a professional image in appearance, language and demeanor. Greet the violator with the appropriate title (sir, ma'am) and in a courteous manner. The officer may reasonably discuss the violation with the operator. Do not argue, berate, belittle, or otherwise verbally abuse the driver. Officers should be alert to any emotional stress or physical illness exhibited by the driver and to evidence of alcohol or drug use.
- C. Request and accept the violator's driver's license and the registration card for the vehicle being operated. Obtain another identification document, preferably a photo identification, if the driver has no driver's license.
- D. Decide on the appropriate enforcement action based upon the violator's DRIVING BEHAVIOR, NOT ATTITUDE. In most cases, it is advisable to have the form of enforcement action decided prior to the initial contact with the violator. An exception to this would be when the officer, through conversation, finds an out- of- state driver performing a violation that would not be a violation in his/her jurisdiction and the officer then decides to issue a warning rather than a citation as initially intended.
- E. Complete the appropriate forms. If necessary check the vehicle operator through MILES (Maryland Inter Agency Law Enforcement System) and NCIC (National Crime Information Center) for license validity, driving record, criminal warrants or other outstanding court orders. When justified, check other occupants for criminal warrants and other outstanding court papers. When completing the appropriate documents, be in a position that allows for immediate and unobstructed observation

of the vehicle and its occupant(s).

IV. Unknown Risk Stops

- A. For unknown risk traffic stops officers will follow the guidelines as outlined in section II of this policy.
- B. Officers **must be sure** to notify the Police Communications Operators of the vehicle registration number (include state and type), vehicle description to include make, model and color, number of occupants and stop location prior to initiating the first contact. Once the vehicle is stopped, the officer will remain alert for any suspicious actions of the driver or occupants of the vehicle
- C. Cautiously survey the vehicle and its occupant to identify any potential dangers. If needed, call for backup.
- D. Consider weapon readiness.

V. High Risk Stops

Tactics in this section (V) should be considered guidelines and as such may change depending upon the circumstances of the traffic stop.

When the officer observes a vehicle whose driver or occupant(s) is a known or suspected felon the officer will immediately inform Communications, informing them of the location, vehicle registration number (include state and type), vehicle description and number of occupants prior to stopping the vehicle. If at all possible the stop should be in a location which would present minimal danger to innocent persons.

- 1. When the conditions are appropriate and backup units are available the officer will move the patrol vehicle into position to the rear of the vehicle. (In most cases, it is advisable to wait for back-up units to arrive in the area before attempting to stop a vehicle. If this is not feasible, the officer will stop the suspect vehicle, exit the patrol vehicle utilizing available cover, have his/her firearm drawn and in the ready position, and maintain this position until sufficient assistance is available).
- 2. When units are in position, the officer will initiate the stop, utilizing all available emergency lights, "take-down" lights, high-beams, etc. utilizing the horn or siren and positioning the vehicle in a manner to provide maximum protection to the officer. At night all lights including spot and "take-down" lights should be focused on the interior of the suspect vehicle to the disadvantage of the suspect (s).
- 3. **When the violator is stopped,** the patrol vehicle should be parked in a manner that provides the maximum amount of protection and cover for the

- officer.
4. Backup units will position their patrol vehicles to either side of the primary vehicle (if possible) avoiding angles which would place other officers in their line of fire.
 5. The officer should open their vehicle door, using the door frame/a-frame/door pillar as partial cover with ready access to the public address system if needed.
 6. The officer initiating the stop, using the vehicle's public address system (if necessary) will direct each occupant of the suspect vehicle to exit the vehicle individually and either assume a search position (prone) with the hands on their head with fingers interlocked, kneeling position with the hands on their head with fingers interlocked or have the individual lay on the ground face down with arms/legs spread out. **Do not give additional commands until prior ones are complied with.**
 7. When all occupants have exited the vehicle the officer initiating the stop or another designated officer will either approach the suspect(s) or have each suspect walk backwards (depending upon the terrain) at the command of the officer, keeping in mind that the vehicle has not be searched.
 8. Suspects shall be immediately handcuffed then searched.
 9. Once all the suspects have been secured the vehicle should then be searched
 10. The officer initiating the stop may designate another officer at the scene to direct the suspects.
 11. Complete any required reports.

VI. Information Provided to Motorist When Issuing Citation

Upon the issuance of a citation, the officer will explain to the violator that:

- A. If the offense is a prepayable offense, the defendant can elect to stand trial or pay the fine. The fine can be mailed to the address indicated on the reverse side of the citation or can be paid in person at the District Court. The defendant should read the reverse side of the citation for precise instructions. If the offense is a "Must Appear" offense, the violator must appear for trial on a date to be set by the District Court. If the defendant elects to stand trial, a trial date will be set by the District Court.
- B. The possible consequence of not paying a fine or not appearing in court could be suspension of the driving privilege, issuance of a bench warrant or both.
- C. By signing the citation, the motorist is promising to appear for trial or prepay the fine, and is not admitting guilt.
- D. If the enforcement action requires a court appearance, explain any alternatives to the violator, but do not predict what the outcome of any appearance might be. Refer inquiries about court appearances to the courts.

VII. Refusal to Sign Citation

- A. If the violator refuses to sign the citation, the officer will inform the violator that refusal to sign the citation is a separate violation of the law and will result in his or her arrest.
- B. If the violator again refuses to sign the citation, the officer will place that person under arrest and process that person according to the procedures for a misdemeanor arrest.

VIII. Ending the Traffic Stop

- A. When returning to the stopped vehicle, be wary of and alert to any changes or alterations that the vehicle or occupants may have undergone during this brief period of time. Return the violator's driver's license, registration card and a copy of the citation, warning or safety equipment repair order.
- B. Explain to the driver exactly what his/her obligations are in response to the enforcement action taken, as well as the consequences for failing to fulfill these obligations. Be cautious of using phrases such as "Have a nice day" as some violators may view this as an insult or smug remark after receiving a citation.
- C. Caution the operator to re-enter the traffic flow safely. The officer should not leave the scene of the traffic stop until the violator has left.

Joseph S. Johnson
Chief of Police

References
1. Accreditation Standards 61.1.4, 61.1.7, 61.1.8

Revision: This General Order replaces General Order E.6 Traffic Stops dated April 2001